



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2012-0965; FRL- 9806-6]

**Approval and Promulgation of Air Quality Implementation Plans;
District of Columbia; Volatile Organic Compounds Emissions Reductions Regulations**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia. This SIP revision consists of amendments to Chapters 1 and 7 of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) for the Control of Volatile Organic Compounds (VOC) to meet the requirement to adopt reasonably available control technology (RACT) for sources as recommended by the Ozone Transport Commission (OTC) model rules and EPA's Control Techniques Guidelines (CTG) standards. This SIP revision also includes negative declarations for various VOC source categories. EPA is approving the regulation changes and the negative declarations in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on [insert date 30 days from date of publication].

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2012-0965. All documents in the docket are listed in the www.regulations.gov website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and

will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the District of Columbia. Department of the Environment, Air Quality Division, 1200 1st Street NE, 5th floor, Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814-2036, or by e-mail at becoat.gregory@epa.gov

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revision

On February 11, 2013 (78 FR 9648), EPA published a notice of proposed rulemaking (NPR) for the District of Columbia. The NPR proposed approval of amendments to Chapters 1 and 7 of Title 20 (Environment) of the DCMR for the control of VOCs to meet the requirement to adopt RACT and negative declarations for various VOC source categories. The formal SIP revision was submitted by the District of Columbia on January 26, 2010, March 24, 2011, and March 15, 2012. The SIP revision amends the District's regulations to impose the VOC RACT requirements as recommended by OTC's model rules for consumer products, adhesives and sealants, architectural and industrial maintenance, portable fuel containers and spouts, and solvent cleaning and also include VOC RACT requirements consistent with EPA's CTGs for flexible packaging and printing, large appliance coatings, metal furniture coatings, and miscellaneous metal products and plastic parts coatings, lithographic and letterpress printing, miscellaneous industrial adhesives, and industrial cleaning solvents. The SIP revision also

consists of negative declarations for the following VOC source categories: Auto and Light-duty Truck Assembly Coatings; Fiberglass Boat Manufacturing Materials; Paper, Film and Foil Coatings; and Flatwood Paneling. EPA received no adverse comments on the NPR to approve the District of Columbia's SIP revision. A more complete explanation of the amendments and the rationale for EPA's proposed action is explained in the technical support document and the NPR in support of this final rulemaking and will not be restated here.

II. Final Action

EPA is approving the District of Columbia's SIP revisions adopting VOC RACT requirements for various source categories. EPA is also approving the District's negative declarations pursuant to section 182(b)(2)(A) of the CAA for those CTG categories where no sources are located in the District.

III. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [Insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action approving the District's amendments to regulations for the control of VOCs and negative declarations for various VOC source categories may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: April 16, 2013.

W. C. Early,
Acting Regional Administrator,
Region III.

40 CFR part 52 is amended as follows:

PART 52 – APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart J—District of Columbia

2. In § 52.470,

a. The table in paragraph (c) is amended by:

i. Revising the entry for Section 100.

ii. Revising the entry for Section 199.

iii. Revising the entry for Section 700.

iv. Removing the entries for Sections 707 and 708.

v. Revising the entry for Section 710.

vi. Adding an entry for Section 714 in numerical order.

vii. Revising the entries for Sections 715, 716, and 719 through 737.

viii. Removing the entries for Sections 738, 739, 740, 741, and 742.

ix. Revising the entries for Sections 743 through 749.

x. Removing the entry for Section 750.

xi. Revising the entries for Sections 751 through 754.

xii. Adding entries for Sections 755 through 758, 763 through 771, and 773 through 778 in numerical order.

xiii. Revising the entry for Section 799.

b. The table in paragraph (e) is amended by revising the entry for Negative Declarations-VOC

Source Categories.

The added and revised text reads as follows:

§ 52.470 Identification of plan.

* * * *

(c) * * *

EPA-Approved District of Columbia Regulations

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
District of Columbia Municipal Regulations (DCMR), Title 20 - Environment				
Chapter 1	General			
Section 100	Purpose, Scope and Construction	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Paragraph 100.4 is revised.
* * *	* * *	*	*	
Section 199	Definitions and Abbreviations	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Removes the following definitions and terms: "Control technique guideline," "Cylinder-wipe," "Gravure," "Heatset," "Inking cylinder," "Intaglio," "Letterpress," "Letterset," "Offset printing process," "Paper-wipe," "Photochemically reactive solvent," "Plate," "Printing," "Printing operation," "Printing unit," "Water-based solvent," and "Wipe cleaning." Repeals "Volatile organic compounds" and replaced it with a new definition for VOCs.
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State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Chapter 7 Volatile Organic Compounds				
Section 700	Miscellaneous Volatile Organic Compounds	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title changed
* * * * *				
Section 710	Intaglio, Flexographic, and Rotogravure Printing	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	
* * * * *				
Section 714	Control Techniques Guidelines	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 715	Major Source and Case-By-Case Reasonably Available Control Technology (RACT)	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 716	Offset Lithography and Letterpress Printing	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
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Section 719	Consumer Products – General Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>where the document begins]</u>	
Section 720	Consumer Products – VOC Standards	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the document begins]</u>	
Section 721	Consumer Products – Exemptions from VOC Standards	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the document begins]</u>	
Section 722	Consumer Products – Registered Under FIFRA	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the document begins]</u>	
Section 723	Consumer Products – Products Requiring Dilution	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the document begins]</u>	
Section 724	Consumer Products – Ozone Depleting Compounds	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the document begins]</u>	
Section 725	Consumer Products – Aerosol Adhesives	12/30/11	<u>[Insert Federal Register publication date] [Insert page number where the</u>	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>document begins]</u>	
Section 726	Consumer Products – Antiperspirants Or Deodorants	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	
Section 727	Consumer Products – Contact Adhesives, Electronic Cleaners, Footwear And Leather Care Products, And General Purpose Degreasers	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 728	Consumer Products – Adhesive Removers, Electrical Cleaners, And Graffiti Removers	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 729	Consumer Products – Solid Air Fresheners And Toilet/Urinal Care Products	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 730	Consumer Products – Charcoal Lighter Materials	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 731	Consumer Products – Floor Wax Strippers	12/30/11	[Insert Federal Register publication date] [Insert page number where the document	Title Changed

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>begins]</u>	
Section 732	Consumer Products – Labeling Of Contents	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 733	Consumer Products – Reporting Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 734	Consumer Products – Test Methods	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 735	Consumer Products – Alternative Control Plans	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 736	Consumer Products - Innovative Products Exemption	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 737	Consumer Products – Variance Requests	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 743	Adhesives and Sealants – General Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 744	Adhesives and Sealants – VOC Standards	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 745	Adhesives and Sealants – Exemptions and Exceptions	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 746	Adhesives and Sealants – Administrative Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 747	Adhesives and Sealants – Compliance Procedures and Test Methods	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 748	Adhesives and Sealants – Container Labeling	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Title Changed
Section 749	Adhesives and Sealants –	12/30/11	[Insert Federal	Title Changed

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
	Application Methods		<u>Register publication date</u> [<u>Insert page number where the document begins</u>]	
Section 751	Portable Fuel Containers and Spouts – General Requirements	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Title Changed
Section 752	Portable Fuel Containers and Spouts – Performance Standards and Test Procedures	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Title Changed
Section 753	Portable Fuel Containers and Spouts – Exemptions	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Title Changed
Section 754	Portable Fuel Containers and Spouts – Labeling Requirements	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Title Changed
Section 755	Portable Fuel Containers and Spouts – Certification and Compliance Test Procedures	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 756	Portable Fuel Containers and Spouts – Enforcement	12/30/11	[<u>Insert Federal Register</u>	Section Added

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>publication date</u>] [<u>Insert page number where the document begins</u>]	
Section 757	Portable Fuel Containers and Spouts – Innovative Product Exemption	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 758	Portable Fuel Containers and Spouts – Variance	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 763	Solvent Cleaning – General Requirements	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 764	Solvent Cleaning – Cold Cleaning	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 765	Solvent Cleaning – Batch Vapor Cleaning	12/30/11	[<u>Insert Federal Register publication date</u>] [<u>Insert page number where the document begins</u>]	Section Added
Section 766	Solvent Cleaning – In-Line Vapor Cleaning	12/30/11	[<u>Insert Federal Register publication</u>	Section Added

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>date]</u> <u>[Insert page number where the document begins]</u>	
Section 767	Solvent Cleaning – Airless and Air-Tight Cleaning	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Section Added
Section 768	Solvent Cleaning – Alternative Compliance	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Section Added
Section 769	Solvent Cleaning – Recordkeeping and Monitoring	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Section Added
Section 770	Miscellaneous Industrial Solvent Cleaning Operations	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Section Added
Section 771	Miscellaneous Cleaning and VOC Materials Handling Standards	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert page number where the document begins]</u>	Section Added
Section 773	Architectural and Industrial Maintenance Coating – General Requirements	12/30/11	<u>[Insert Federal Register publication date]</u> <u>[Insert</u>	Section Added

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
			<u>page number where the document begins]</u>	
Section 774	Architectural and Industrial Maintenance Coating – Standards	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 775	Architectural and Industrial Maintenance Coating – Exemptions	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 776	Architectural and Industrial Maintenance Coating – Labeling Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 777	Architectural and Industrial Maintenance Coating – Reporting Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 778	Architectural and Industrial Maintenance Coating – Testing Requirements	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Section Added
Section 799	Definitions	12/30/11	[Insert Federal Register publication date] [Insert page number where the document begins]	Revised to update the definitions, terms, and the section title.

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
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Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * *	* * *	* * *		
Negative Declarations - VOC Source Categories	Metropolitan Washington ozone nonattainment area	4/8/93, 9/4/97	10/27/99 64 FR 57777	52.478(a), 52.478(b).
Negative Declarations - VOC Source Categories	Metropolitan Washington ozone nonattainment area	1/26/10, 3/24/11	[Insert Federal Register publication date] [Insert Federal Register page number where the document begins and date]	52.478(c)
* * *	* * *	* * *	* * *	

3. Section 52.478 is amended by adding paragraph (c) to read as follows:

§ 52.478 Rules and regulations.

* * *

(c) On March 24, 2011, the District of Columbia submitted a letter to EPA declaring that there are no sources located in the District which belong to the following VOC categories:

- (1) Auto and Light-duty Truck Assembly Coatings;
- (2) Fiberglass Boat Manufacturing Materials;

(3) Paper, Film and Foil Coatings;

(4) Flatwood Paneling.

[FR Doc. 2013-09937 Filed 04/26/2013 at 8:45 am; Publication Date: 04/29/2013]